



General Assembly

February Session, 2010

Raised Bill No. 5143

LCO No. 816

00816_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING INVESTIGATIONS BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2010*) (a) (1) Upon receiving a
2 complaint of neglect or abuse of a child, at the time of initial contact
3 with the child's parent or guardian, the Department of Social Services
4 shall provide the parent or guardian with written notice, stated in
5 plain language, that: (A) The parent or guardian is not required to
6 permit the department's representative to enter the residence without
7 having a warrant that gives such representative authority to enter the
8 residence; (B) the parent or guardian is not required to speak with the
9 department's representative at that time; (C) the parent or guardian is
10 entitled to the representation of an attorney and to have an attorney
11 present when the parent or guardian is questioned by a representative
12 of the department; (D) any statement made by the parent, guardian or
13 other family member may be used against the parent or guardian in an
14 administrative or court proceeding; (E) the department's
15 representative is not an attorney and cannot provide legal advice to the
16 parent or guardian; (F) the parent or guardian is not required to sign

17 any document presented by the department's representative,
 18 including, but not limited to, a release of claims or a service agreement,
 19 and is entitled to have an attorney review such document before
 20 agreeing to sign the document; and (G) a failure to communicate with
 21 a representative of the department may have serious consequences,
 22 including the department's filing a petition for the removal of the child
 23 from the home and, therefore, it is in the parent or guardian's best
 24 interest to either speak with the department's representative or
 25 immediately seek the advice of a qualified attorney. The department
 26 shall make reasonable efforts to ensure that the notice provided to each
 27 recipient is written in a manner that will be understood by the
 28 recipient, including, but not limited to, being written in a language
 29 understood by the recipient.

30 (2) The department's representative shall request that the parent or
 31 guardian sign and date the notice described in subdivision (1) of this
 32 subsection as evidence of having received the notice. The department
 33 shall provide the parent or guardian with a copy of the notice, at the
 34 time of the department's initial contact with the parent or guardian,
 35 whether or not the parent or guardian agrees to sign the notice.

36 (b) If the Department of Children and Families does not comply
 37 with the requirements of subsection (a) of this section, any statement
 38 that the department obtains from the parent or guardian, or a child
 39 who is a member of the parent's or guardian's family or household,
 40 prior to the provision of such notice shall be deemed inadmissible in
 41 any administrative or judicial proceeding.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	New section

Statement of Purpose:

To require the Department of Children and Families to provide a notice of rights upon commencing an investigation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]